

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FIBERTREK, INC., a Nevada corporation;
LAWRENCE P. WAGNER, an individual;
and JOHN G. PEERY, an individual,

Plaintiffs,

v.

PREFERRED CORPORATE SERVICES,
INC., a Colorado Corporation; DOUGLAS
GREGG, an individual; TDG, LLC,
a Colorado Limited Liability Company;
NEIL SMITH, an individual and
DOES 1-100, inclusive,

Defendants.

AND RELATED CROSS-ACTION

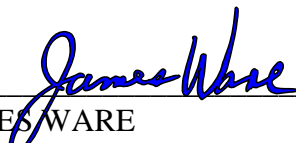
Case No. 5:08-CV-03415-JW

**ORDER VACATING ORDER TO SHOW
CAUSE RE: DISMISSAL; SETTING
HEARING FOR ANTICIPATED
MOTIONS FOR DEFAULT JUDGMENT**

On June 24, 2010, the Court issued an Order to Show Cause re: Dismissal in light of Plaintiffs' failure to comply with the Court's order to keep the Court updated as to the state of Plaintiffs' settlement efforts with Defendants. (Docket Item No. 100.) On July 8, 2010, counsel for Plaintiffs filed a Response to the Court's Order to Show Cause. (Docket Item No. 103.) In light of the representation made in counsel's declaration, the Court finds good cause VACATE the July 12, 2010 hearing on the Order to Show Cause.

In light of the Clerk's entry of default as to the remaining Defendants, the Court sets **September 20, 2010 at 9 a.m.** for hearing on Defendants' anticipated Motions for Default Judgment. Defendants shall notice and file the Motions in accordance with the Civil Local Rules of the Court. Failure to file the Motions in a timely matter may result in a Fed. R. Civ. P. 41(b) dismissal.

Dated: July 9, 2010


JAMES WARE
United States District Judge